

1 The Honorable Marsha J. Pechman  
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8 **UNITED STATES DISTRICT COURT**  
9 **WESTERN DISTRICT OF WASHINGTON**  
10 **AT SEATTLE**

11 RYAN KARNOSKI, et al.,

12 *Plaintiffs, and*

13 STATE OF WASHINGTON,

14 *Plaintiff-Intervenor,*

15 v.

16 JOSEPH R. BIDEN JR., in his official  
17 capacity as President of the United States, et  
18 al.,

19 *Defendants.*

Case No. 2:17-cv-01297-MJP

**JOINT STIPULATION AND ORDER  
FOR A STAY**

NOTE ON MOTION CALENDAR:  
FEBRUARY 1, 2021

1 Plaintiffs Ryan Karnoski, Staff Sergeant Cathrine Schmid, D.L., Chief Warrant Officer  
 2 Lindsey Muller, Petty Officer First Class Terece Lewis, Petty Officer Second Class Phillip  
 3 Stephens, Petty Officer Second Class Megan Winters, Jane Doe, Human Rights Campaign,  
 4 Gender Justice League, and American Military Partners Association n/k/a Modern Military  
 5 Association of America (collectively “Plaintiffs”), Plaintiff-Intervenor State of Washington,  
 6 and Defendants Joseph R. Biden Jr., Lloyd J. Austin III, and the United States Department of  
 7 Defense (collectively “Defendants,” and together with Plaintiffs and Plaintiff-Intervenor,  
 8 “Parties”) hereby stipulate as follows:

9 WHEREAS, on January 25, 2021, President Biden issued an executive order (the “January  
 10 25, 2021 Executive Order”) “revok[ing]” “the Presidential Memorandum of March 23, 2018”  
 11 and confirming “the Presidential Memorandum of August 25, 2017 (Military Service by  
 12 Transgender Individuals) remains revoked.” E.O. No. 14004 §§ 1, 2 (Jan. 25, 2021), ECF No.  
 13 667-1. Plaintiffs challenge both of those Memoranda in this case.

14 WHEREAS the January 25, 2021 Executive Order provides that “[t]he Secretary of  
 15 Defense, and Secretary of Homeland Security with respect to the Coast Guard, shall, after  
 16 consultation with the Joint Chiefs of Staff about how best to implement this policy . . . take all  
 17 necessary steps to ensure that all directives, orders, regulations, and policies of their respective  
 18 departments are consistent with this order” including “establishing a process by which  
 19 transgender service members may transition gender while serving, along with any further steps  
 20 that the Secretary of Defense and Secretary of Homeland Security deem appropriate to advance  
 21 the policy described in section 1 of this order.” *Id.* § 3(a).

22 WHEREAS the January 25, 2021 Executive Order provides that the Secretary of Defense  
 23 and Secretary of Homeland Security “shall (i) immediately prohibit involuntary separations,  
 24 discharges, and denials of reenlistment or continuation of service on the basis of gender identity  
 25 or under circumstances relating to their gender identity.” *Id.* §§ 3(b)(i), 3(c)(i) .

26 WHEREAS the January 25, 2021 Executive Order provides that “[t]he Secretary of  
 27 Defense and the Secretary of Homeland Security shall report to [the President] within 60 days of  
 28 the date of this order on their progress in implementing the directives in this order and the policy  
 29 described in section 1 of this order.” *Id.* § 3(d).

1       Accordingly, to allow Defendants time to implement the January 25, 2021 Executive Order  
2 and for the Parties to determine thereafter what, if any, proceedings will be necessary in this case  
3 after the 60-day period set forth in the January 25, 2021 Executive Order has passed, the Parties  
4 hereby stipulate and jointly propose that (a) the case be stayed until April 9, 2021, 14 days after  
5 the 60-day period referenced in the January 25, 2021 Executive Order; (b) the current scheduling  
6 order and all deadlines therein be vacated; (c) the parties' joint proposed case schedule, Dkt. 665,  
7 be denied as moot; and (d) the parties be Ordered to file a Joint Status Report by April 9, 2021  
8 setting forth their respective positions regarding what proceedings, if any, will be necessary  
9 thereafter in this case.

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11 SO STIPULATED.

12 February 1, 2021

Respectfully submitted,

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1 **NEWMAN DU WORS LLP**

2 *s/ Jason B. Sykes*

3 Derek A. Newman, WSBA No. 26967  
4 *dn@newmanlaw.com*  
5 Jason B. Sykes, WSBA No. 44369  
6 *jason@newmanlaw.com*  
7 Rachel Horvitz, WSBA No. 52987  
8 *rachel@newmanlaw.com*  
9 2101 Fourth Ave., Ste. 1500  
Seattle, WA 98121  
(206) 274-2800

10 **LAMDBA LEGAL DEFENSE AND  
EDUCATION FUND, INC.**

11 Tara Borelli, WSBA No. 36759  
*tborelli@lambdalegal.org*  
12 Camilla B. Taylor (admitted pro hac vice)  
Peter C. Renn (admitted pro hac vice)  
Sasha Buchert (admitted pro hac vice)  
14 Kara Ingelhart (admitted pro hac vice)  
Carl Charles (admitted pro hac vice)  
15 Paul D. Castillo (admitted pro hac vice)

16 **OUTSERVE-SLDN, INC. N/K/A  
MODERN MILITARY ASSOCIATION  
OF AMERICA**

17 Peter Perkowski (admitted pro hac vice)

18 **KIRKLAND & ELLIS LLP**

19 James F. Hurst, P.C. (admitted pro hac vice)  
20 Steve Patton (admitted pro hac vice)  
Jordan M. Heinz (admitted pro hac vice)  
22 Vanessa Barsanti (admitted pro hac vice)  
Daniel I. Siegfried (admitted pro hac vice)  
Sam Ikard (admitted pro hac vice)

23 *Counsel for Plaintiffs*

24 **UNITED STATES  
DEPARTMENT OF JUSTICE**

25 **BRIAN M. BOYNTON**  
Acting Assistant Attorney General  
Civil Division

26 **ALEXANDER K. HAAS**  
Branch Director

27 **ANTHONY J. COPPOLINO**  
Deputy Director

28 *s/ Andrew E. Carmichael*  
ANDREW E. CARMICHAEL, VA Bar #  
76578  
*andrew.e.carmichael@usdoj.gov*  
Senior Trial Counsel  
MATTHEW SKURNIK, NY Bar # 5553896  
*Matthew.Skurnik@usdoj.gov*  
JAMES R. POWERS, TX Bar #24092989  
*james.r.powers@usdoj.gov*  
Trial Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street NW, Suite 12108  
Washington, DC 20530  
(202) 514-3346

*Counsel for Defendants*

29 **OFFICE OF THE WASHINGTON  
STATE ATTORNEY GENERAL**

30 *s/ Chalia I. Stallings-Ala'ilima*  
Chalia I. Stallings-Ala'ilima, WSBA  
31 No. 40694  
*chalias@atg.wa.gov*  
Colleen M. Melody, WSBA No. 42275  
*colleenm1@atg.wa.gov*  
Assistant Attorney General  
Wing Luke Civil Rights Division  
33 Office of the WA Attorney General  
800 Fifth Avenue, Suite 2000  
Seattle, WA 98104  
(206) 464-7744

34 *Counsel for Intervenor-Plaintiff State of  
Washington*

## ORDER

This matter comes before the Court on the Parties' Joint Stipulation for a Stay. After considering the Parties' Joint Stipulation, IT IS HEREBY ORDERED THAT:

1. This case is stayed until April 9, 2021;
2. The current scheduling order in this case, ECF No. 554, and all deadlines therein are vacated;
3. The parties' proposed joint case schedule, ECF No. 655, is denied as moot; and
4. The parties shall file a Joint Status Report by April 9, 2021 setting forth their respective positions regarding what further proceedings, if any, will be necessary in this case.

IT IS SO ORDERED.

Dated this 16th day of February, 2021.

Wesley Rehman

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Marsha J. Pechman  
United States Senior District Judge

## **CERTIFICATE OF SERVICE**

The undersigned certifies under penalty of perjury under the laws of the United States of America and the laws of the State of Washington that all participants in the case are registered CM/ECF users and that service of the foregoing documents will be accomplished by the CM/ECF system on February 16, 2021.

/s/ Andrew E. Carmichael  
ANDREW E. CARMICHAEL  
Senior Trial Counsel  
United States Department of Justice  
Civil Division, Federal Programs Branch  
Telephone: (202) 514-3346  
Email: andrew.e.carmichael@usdoj.gov

## Counsel for Defendants